

**STATE OF CALIFORNIA**

**Energy Resources Conservation  
And Development Commission**

In the Matter of:	)	Docket:	05-DATA-01
	)	Order:	05-1019-18
Proposed Adoption, Amendment, and Repeal	)		
of Regulations Governing the Commission's	)	ORDER INSTITUTING	
Data Collection System for the Integrated	)	RULEMAKING	
Energy Policy Report and Regulations	)		
<u>Governing Disclosure of Commission Records</u>	)	October 19, 2005	

**I. PURPOSE AND SCOPE OF THE PROCEEDING**

Pursuant to Public Resources Code sections 25210 and 25213 and Title 20, California Code of Regulations, section 1222(a), the California Energy Commission (Commission) hereby institutes a proceeding concerning regulations governing the Commission's data collection system for integrated energy policy reporting and regulations governing disclosure of Commission records. The data collection regulations are found at Title 20, California Code of Regulations, section 1301 et seq., and the regulations governing disclosure of Commission records are found at Title 20, California Code of Regulations, section 2501 et seq. This rulemaking implements the requirements of SB 1389 (Stats. 2002, ch. 568, § 2.), SB 1037 (Stats. 2005, ch. 366, §§ 3, 4, 6), and the California Public Records Act (Gov. Code, § 6250 et seq.).

SB 1389 directs the Commission "to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand and prices." (Pub. Resources Code, § 25301.) As part of this process, the Commission is to produce an Integrated Energy Policy Report (IEPR) every two years. (Pub. Resources Code, § 25302.) In carrying out its responsibilities, the Commission is required to "manage a data collection system for obtaining the information necessary to develop the policy reports and analyses required by [SB 1389]." (Pub.

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Resources Code, § 25320.) As part of this rulemaking, the Commission will be taking a broad look at SB 1389 to determine whether the existing data collection regulations should be amended or repealed, and whether new regulations should be adopted. The Commission will also determine whether additional regulations will be required in order to implement the recently-adopted provisions of Public Utilities Code sections 454.55, 454.56, and 9615. (Stats. 2005, ch. 366, §§ 3, 4, 6.)

Similarly, in light of the prominence of confidentiality issues during the 2005 IEPR cycle, the Commission will be evaluating whether changes to its regulations implementing the Public Records Act should be considered. Procedural changes, as well as changes to categories of information designated as automatically confidential will be considered. (*See*, Cal. Code Regs., tit. 20, § 2505(a)(5).)

### **II. DELEGATION OF AUTHORITY TO THE IEPR COMMITTEE**

The 2005 IEPR Committee, consisting of Commissioners Geesman and Boyd, or a successor committee appointed by the Commission with comparable powers and duties pursuant to Public Resources Code section 25211 shall preside over this rulemaking proceeding. In either case, the Committee shall take all actions necessary and appropriate to comply with all applicable legal requirements of the Public Resources Code, the Administrative Procedure Act (Govt. Code § 11340 et seq.), and implementing regulations, including submission, after a Commission hearing, of all necessary documents to the Office of Administrative Law, and issuance of notices for all hearings and workshops.

### **III. PUBLIC PARTICIPATION**

The Commission encourages public participation in this proceeding. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to Intervene are unnecessary. Any person may file

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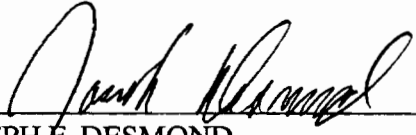
written comments on the rulemaking. The 2005 IEPR Committee shall issue a notice indicating the date of any hearings in the proceeding, and comments on the rulemaking must be received at the following address no later than the date specified in the notice:

Docket No. 05-SB-1389  
Docket Unit  
California Energy Commission  
1516 Ninth Street, MS 4  
Sacramento, CA 95814

The Executive Director shall ensure that this Order and notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of adoption by the Commission to allow timely participation. Margret Kim, the Commission's Public Adviser, is available to facilitate the participation of any person in this proceeding and may be reached by calling (916) 654-4489 or toll-free in California at (800) 822-6228.

Date: October 19, 2005

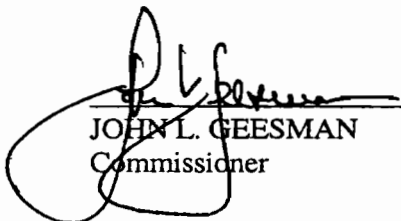
STATE ENERGY RESOURCES  
CONSERVATION AND  
DEVELOPMENT COMMISSION

  
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JOSEPH F. DESMOND  
Chairman

Absent  
\_\_\_\_\_  
JACKALYNE PFANNENSTIEL  
Vice Chair

  
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ARTHUR H. ROSENFELD  
Commissioner

Absent  
\_\_\_\_\_  
JAMES D. BOYD  
Commissioner

  
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JOHN L. GEESMAN  
Commissioner